

**CWP-13041-2000****-1-****IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****(207)****CWP-13041-2000
Date of decision:- 12.01.2026****Punjab State Electricity Board****... Petitioner****Versus****State of Punjab and others****... Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Ms. Armaan Saggar, Advocate, for the petitioner.

Mr. Kanav Singla, AAG, Punjab, for respondent No.1 to 3.

Mr. Sukhdev Singh, Advocate, for respondent No.4.

**********SUVIR SEHGAL, J. (ORAL)**

1. Present writ petition has been filed assailing award dated 15.09.1994, Annexure P-2, passed by the Chief Electrical Inspector, Punjab, as well as order dated 27.10.1997, Annexure P-3, passed by respondent No.2 under Indian Electricity Act, 1910 (for short "the Act of 1910").

2. Counsel for the petitioner states that respondent No.4 was running a steel rolling mill in Mandi Gobindgarh and was drawing electricity from account bearing No.LP-61081, which was inspected by a Mobile Meter Testing Squad on 17.11.1986. She submits that a report, Annexure P-1, was prepared on the same day and the meter was found to be running slow. Counsel points out that the electricity meter was replaced and defective meter was tested in the laboratory. She submits that after over-hauling the account of respondent No.4, a demand notice was served, which was challenged by filing a civil suit. Counsel states that the matter was referred to the Chief Electrical

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Inspector under Section 26(6) of the Act of 1910 and vide impugned award dated 15.09.1994, Annexure P-2, Chief Electrical Inspector held that the demand could not have been raised. Counsel states that an appeal was filed under Section 36(2) of the Act of 1910, which has been rejected vide impugned order, Annexure P-3, by Appellate Authority-respondent No.2 on the ground that it is barred by limitation. Counsel asserts that the impugned award, Annexure P-2, was dispatched to the petitioner vide communication dated 23.01.1995, which was received on 01.02.1995. After processing it, an appeal was filed on 09.05.1995 and later an application for condonation of delay under Section 5 of the Limitation Act, 1963 was separately moved. She asserts that as the delay is of a few days, it deserves to be condoned and the matter be decided on merits.

3. Writ petition has been contested by respondent No.4. Counsel for respondent No.4 has argued that the Appellate Authority has not been vested with power to condone the delay. It is his submission that the petitioner had earlier approached this Court by filing a writ petition assailing the appellate order, Annexure P-3, which has been dismissed and a fresh writ petition on the same cause is not maintainable.

4. I have heard counsel for the parties and considered their respective submissions, besides examining the documents placed on the record.

5. Undisputedly, petitioner had approached this Court by filing **CWP-6587-1998** titled as **“P.S.E.B. Versus Radha Steel Rolling Mills and another”**, wherein it had laid challenge to impugned appellate order dated 27.10.1997, Annexure P-2. After considering the submissions made, this Court dismissed the writ petition on 27.10.1997. The operative part of the order is



reproduced hereunder:-

“A bare reading of the above extracted observations shows that in Mukri Gopalan's case (supra) their Lordships of the Supreme Court were dealing with the exercise of appellate jurisdiction by the District Judge under section 18 of the relevant Statute and not a case like the present one in which the appropriate government acts as an appellate authority under the 1910 Act and the rules framed thereunder. Therefore, on the basis of the judgment in Mukri Gopalana case (supra) it cannot be held that while exercising power under section 36(2) of the 1910 Act read with Rule 6 of the 1956 Rules, the appellate authority acts as a Court for the purpose of section 5 of the 1963 Act.

For the reasons mentioned above, the writ petition is dismissed. However, it is made clear that the petitioner shall be free to challenge the impugned order by filing an independent writ petition.”

6. It is, therefore, evident from the above that impugned appellate order was upheld by a Division Bench of this Court. The award passed by the Chief Electrical Inspector has merged with the appellate order, although, permission was granted to the petitioner to file a fresh writ petition. Once the award has merged with the appellate order, which has been upheld by a Division Bench of this Court, there is no occasion for this Court to examine the impugned award.

7. It is not in dispute that in an appeal against an award passed by the Chief Electrical Inspector lies to the Government under Section 36(2) of the Act of 1910. The statutory provision does not laid down any period of limitation for the filing of an appeal. Limitation for institution of an appeal has been prescribed under Rule 6 (3) of the Indian Electricity Rules, 1956, which is reproduced hereunder:-

“(3) Every appeal made under sub-rule (1) shall be in writing, shall be accompanied by a copy of the order appealed against and shall be presented within 3 months of the date on which such order has been served or delivered or is deemed to have been served or delivered as the case may be.”



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8. The rules framed under the statute, therefore, prescribed a limitation of three months for the filing of the appeal. No power has been given to the Appellate Authority under the statute or rules framed thereunder for condoning delay in the filing of an appeal. In **The Property Company (P) Ltd. Versus Rohinten Daddy Mazda**, (Civil Appeal No.92 of 2026, arising out of S.L.P. (Civil) No.3906 of 2017, decided on 07.01.2026), Hon’ble Supreme Court has held that the provisions of the Limitation Act, 1963, which prescribe the period of limitation would only apply to suits, applications or appeals, as the case may be, which are made under any law to ‘courts’. Hon’ble Supreme Court has clarified that these provisions are not applicable to the quasi-judicial bodies or tribunals, unless such quasi-judicial bodies or tribunals are specifically empowered in that regard. As no power to condone the delay has been conferred upon the Appellate Authority, which is a quasi-judicial body, the Appellate Authority is correct in coming to the conclusion that the delay in the filing of the appeal cannot be condoned.

9. In view of the above, this Court finds no infirmity in the impugned award, Annexure P-2, as well as order, Annexure P-3, passed by the authorities under the Act of 1910.

10. As a consequence, there is no merit in the writ petition, which is dismissed, though with no order as to cost.

12.01.2026

Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No